



Entered on Docket
November 03, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
ONMIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED IN PART UPON
INVESTMENT IN THE GARDENS
\$2.425 LOAN**

Hearing Date: October 21, 2010
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "Second Omnibus Objection Of USACM Trust
2 To Proofs Of Claim Based In Part Upon Investment in The Gardens \$2.425 Loan (the
3 "Gardens \$2.425") [DE 8165] (the "Objection"); the Court having heard the Objection on
4 October 21, 2010; appropriate notice of the Objection having been given; no response to
5 the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 8165] is sustained; and
8 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
9 claims are based upon an investment in the Gardens \$2.425 Loan.
10 3. The claims listed on **Exhibit A** are not affected by this order to the extent
11 they are based upon an investment in another loan.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**
14

15 By /s/ Robert M. Charles, Jr. (# 6593)
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

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THE GARDENS, LLC \$2,425,000 LOAN

EXHIBIT A
Second Omnibus Objection
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In The Gardens, LLC \$2,425,000 Loan
10725-02059	Jack R. Clark and Linda C. Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	\$1,782,032.06	\$100,000.00
10725-02382	Essaff Family Trust DTD 6/18/02	Robert and Cindy H. Essaff Ttees 2860 Heybourne Rd. Minden, NV 89423	\$3,198,368.02	\$100,000.00
10725-01964	Gold Plated LLC	c/o Dwight W. Harouff, Mgr 5680 Ruffian St. Las Vegas, NV 89149-1261	\$1,505,718.54	\$240,000.00
10725-01997	KM Trust	c/o Aimee E Kearns Trustee 5886 N. Bonita Vista St. Las Vegas, NV 89149-3911	\$1,535,080.92	\$100,000.00
10725-02256	James H. Lidster Family Trust Dtd 1/20/92	James H. and Phyllus M. Lidster Ttees 2958 San Mateo Drive Minden, NV 89423-7815	\$1,204,192.58	Unknown
10725-01898	Morris Massry	c/o Segel Goldman Mazzotta & Siegel PC 9 Washigton Sq Albany, NY 12205	\$1,802,040.00	\$202,933.33
10725-02037	Miller Trust Dated 8/13/87	Gary I. and Barbara Miller Ttees 2832 Tilden Ave. Los Angeles, CA 90064	\$1,111,366.00	\$50,000.00
10725-01878	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$10,451.54	Unknown
10725-02226	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$4,884,068.70	\$50,000.00